

02D09-2312-CT-000818

Allen Superior Court 9

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Clerk

Allen County, Indiana

JS

STATE OF INDIANA) IN THE ALLEN SUPERIOR COURT
) SS:
COUNTY OF ALLEN) CAUSE NO. _____

MICHAEL D. HILL,)
)
Plaintiff,)
)
v.)
)
AUTOZONE STORES LLC and)
NATASHA LEFEVRA,)
)
Defendants.)

COMPLAINT

Plaintiff, alleges against Defendant's that:

1. The Plaintiff is Michael D. Hill, a Black/African American male who resides in Fort Wayne, Indiana. Defendants include the following:
 - i) Autozone Stores LLC a corporation doing business at 6306 Bluffton Road Fort Wayne, IN 46809 and whose Resident Agent is CT Corporation System at 334 North Senate Avenue, Indianapolis, IN 46204; and
 - ii) Natasha Lefevra, believed to be a Manager/Supervisor for Defendant Autozone Stores LLC.
2. On or about Friday, June 30, 2023, at approximately 12:30 p.m., Plaintiff went to the Autozone located on Bluffton Road with the intention of returning a defective auto part which he had purchased from this Autozone store.
3. As Plaintiff stood waiting to be helped, Plaintiff overheard the Store Manager cussing about not liking to deal with an account that she was trying to process on the computer.
4. When Plaintiff explained to the Store Manager that he was returning a defective part,

he explained to her that he had also purchased a new part (starter) from the Rudisill Autozone location, and then the female Store Manager disputed Plaintiff's ability to get a refund to the defective part.

5. The female Store Manager (believed to be Natasha Lefevra) began getting rude with the Plaintiff accusing him of trying to get "free money", to which Plaintiff responded to her that he had receipts to verify his purchase.
6. Regardless, Defendant Lefevra refused to check the computer and accused Plaintiff of trying to "scam" her and started cursing at Plaintiff and demanded that Plaintiff "get the fuck out of her store", again saying he was trying to get free money.
7. At all times, Defendant Autozone Stores LLC is responsible for the acts of its agent, Store Manager Natasha Lefevra, by the doctrine of respondeat superior.
8. At that point, after being disrespected and refused service, Plaintiff did call Natasha Lefevra a bitch.
9. As Plaintiff was walking away, Store Manager Natasha Lefevra shouted at the Plaintiff, "fuck you nigger! I will beat your ass!"
10. Defendant Lefevra hurriedly stepped from behind the counter and approached the Plaintiff and stood within inches of him trying to provoke Plaintiff into hitting her. Plaintiff refused. She repeatedly stated, "hit me!"
11. Plaintiff asked Lefevra to call her manager, and she replied she was calling no one and for Plaintiff to get out of her "fucking store".
12. Another worker said he would call the police, and the police came.
13. Plaintiff told the police that Defendant Lefevra came out from behind the counter and

got into his face and chest bumped him in a rude insolent and angry manner, thus committing battery. For which Autozone Stores LLC is liable under the doctrine of respondeat superior.

14. Plaintiff suffered physical pain, mental suffering, emotional distress, mental anguish, psychological injury, and other damages and injuries for which Defendant Autozone Stores LLC is liable under doctrine of respondeat superior.
15. The actions of Defendant Lefevra were intentional, willful and wanton, and were reckless and deliberately indifferent to Plaintiff's rights to be free from sexual harassment while visiting a public store in place of accommodation. Defendants are liable to Plaintiff under 42 U.S.C. § 200a (violation of civil rights statutes in denial of public accommodations), and 42 U.S.C. § 1981 (deprivation of civil rights and contractual rights to service afforded white individuals), and Defendant's are liable to Plaintiff for both compensatory damages and punitive damages.
16. Defendants are liable to Plaintiff under Indiana state tort theories of assault and battery, intentional infliction of emotional distress, negligent infliction of emotion distress, invasion of privacy, as well as federal causes of action of denial of public accommodations and denial of contractual benefits and services afforded to white individuals under 42 U.S.C. § 1981, and 42 U.S.C. § 200a.

WHEREFORE, Plaintiff prays for judgment against the Defendant's and each of them, for compensatory damages, punitive damages, reasonable attorney's fees and cost, and for all other just and proper relief in the premises.

JURY DEMAND

Pursuant to Rule 38 of the Indiana Rules of Trial Procedure, Plaintiff demands a trial by jury in this action.

VERIFICATION

I, Michael D. Hill, swear and affirm under the penalties for perjury that the above and foregoing representations are true and correct based upon my personal knowledge.



Michael D. Hill

Respectfully submitted,

MYERS SMITH WALLACE, LLP



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